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ARTZ & ARTZ, P.C.  
28333 TELEGRAPH RD.  
SUITE 250  
SOUTHFIELD MI 48034

JUN 23 2006

In re Application of	:	
EVANS, Christopher John	:	DECISION ON PETITION
Application No. 10/604,002	:	
Filed: June 20, 2003	:	
Attorney Docket No. GEMS 0197 PA	:	

This is a decision on the petition filed November 29, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A non-final Office action was mailed February 17, 2004, setting a three-month shortened statutory period for filing a response. In the absence of a response, the application was held abandoned and a Notice of Abandonment was mailed October 5, 2004.

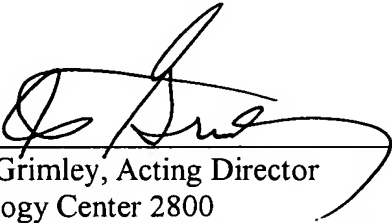
Petitioner asserts that a response titled, "Amendment Under 37 CFR 1.111," was timely filed by facsimile transmission on May 17, 2004. To support the assertion, petitioner submitted 1) a copy of the response titled, "Amendment Under 37 C.F.R. § 1.111," 2) a copy of the certificate of transmission under 37 C.F.R. § 1.8(a) dated May 17, 2004, 3) a copy of the Auto-Reply Facsimile Transmission Report from the USPTO, and 4) a copy of the sending unit's report confirming successful transmission of eight pages.

The review of the application file reveals that the response titled, "Amendment Under 37 CFR 1.111," was received and matched with the file. However, the response was not noticed by either the examiner or the technical support staff and consequently the application was held to be abandoned. The application is not abandoned in fact.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the response titled "Amendment Under 37 CFR1.111." From there, it will be returned to the examiner for further prosecution.

Questions regarding this decision should be directed to Jose' G. Dees at 571-272-1569.



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Arthur Grimley, Acting Director  
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